UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,459	02/27/2004	Kenta Shiga	500.43554X00	7838

20457   7590   10/29/2007

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

EXAMINER
GUPTA, MUKTESH G

ART UNIT	PAPER NUMBER
4121	

MAIL DATE	DELIVERY MODE
10/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td rowspan="2"></td><td colspan="2">Application No.</td><td colspan="2">Applicant(s)</td></tr>
</table>

	Application No.	Applicant(s)	
Office Action Summary	10/787,459	SHIGA ET AL.	
	Examiner	Art Unit	
	Muktesh G. Gupta	4121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 February 2004_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-13_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _27 February 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☒ Certified copies of the priority documents have been received in Application No. _10/787,459_.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _02/27/2004_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20071017

DETAILED ACTION

1.   **Claims 1-13** have been examined and are pending.

Priority

2.   Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10787459 filed on 02/27/2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3.   **Claims 1-13** rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6401085 to Gershman et al. (hereinafter "Gershman").

As to Claims 1-2 and 8, Gershman teaches active knowledge management system consisting, information delivery system and presence management apparatus connected to a first apparatus and a second apparatus via a network, the presence management apparatus comprising (as stated in col. 47, lines 11-14, col. 48, lines 59-67, col. 49, lines 1-19, and col. 60, lines 50-67, Active Knowledge Management System, **users** using **Electronic Valet/Awareness Machines (presence management apparatus)** which are integrated with PDA and sensor **GPS**, and are **connected** to Mobile Portal Platform through **internet** or **extranet**

(network), running Active Knowledge Management System Application which support several channels of *information delivery* to the *users* of Electronic Valets taking into account history of the users interactions and current *real-time situation* including "who, where, and when" awareness):

presence update means for updating a first user's presence received from the first apparatus and a second user's presence received from the second apparatus, wherein the first user uses the first apparatus and the second user uses the second apparatus (as stated in col. 60, lines 50-67 col. 61, lines 1-19, and col. 61, lines 44-51, *Electronic Valet* receives input data from *sensors GPS (presence update means)*. The Client application executing on Electronic Valet forms a message based on the data received and the user input and then transmits the message to the Mobile Portal, which *parses* the message and forms a new message based on the content of the message received and then transmits the new message back to the Electronic Valet which formats and displays the data received. Thus Mobile portal *updates location specific* to the *users* of *Electronic Valet* for that specific *location*, similarly *other users location* is updated who is using *other Electronic Valet*);

matching condition registration means for registering a matching condition for another user's presence received from the first apparatus and designated by the first user and a matching condition for another user's presence received from the second apparatus and designated by the second user (as stated in col. 62, lines 2-4, lines 25-30, lines 35-40, lines 60-62, when a *user (first)* with Electronic Valet visits a mall

with **goal specified** for shopping with shopping list , **queries** the system to suggest

a **store/retailer (second user)** at any time based on their current

location**(presence)**. In browse mode the system suggests items of interest for sale

in the stores currently closest to the shopper. System operates as **bi-directional**

channels and displays a list with the store name the specific items available and

their prices. A map of the mall displays the shopper's current location and the

precise location of the store/retailers that are both users of the system and are

registered with system),

matching decision means for deciding if the first user's presence matches the

matching condition designated by the second user and if the second user's presence

matches the matching condition designated by the first user when the matching

condition registration means performs registration processing and/or the presence

update means performs update processing (as stated in col. 61, lines 65-67, col. 62,

lines 14-15, lines 48-67, an item is considered to be of interest if it **matches** the

categories entered in the **goals screen** of the shopper's **Electronic Valet (first**

user). The **stores/retailers (second user)** in the mall have online catalogs with

item prices and which are registered with the system **database**. Intelligent agents of

the system are utilized to **conduct research, execute transactions** and provide

advice for shopper's goals and preferences. If an item displayed is selected by the

shopper (first user) while browsing, Intelligent agents **search** and **match** from the

database of the **stores/retailers** on-line catalogs for the items on shoppers

shopping list, and the system **alerts (notification)** the shopper to the local

stores/retailers (second user) offering the product for the lowest price, or announces the best local price),

and matching notification means for notifying the first apparatus that, if the matching decision means decides that the both matching conditions are satisfied, a match has occurred, wherein the first apparatus comprises means for delivering information to the second apparatus (as stated in col.62, lines 65-67 and col. 63, line 1-2, at the *shopper's (first apparatus user)* discretion, intelligent agent provide information to *stores/retailers (second user)* as well, who, in turn, *responds (notification)* with a customized offer that bundles service along with the product to the *shopper (first apparatus user)*).

As to Claims 3 and 9, Gershman teaches active knowledge management system consisting, information delivery system and presence management apparatus according to claims 1 and 8,

wherein, the matching condition registered by the matching condition registration means of the presence management apparatus includes a combination of a logical sum and/or a logical product of a condition for two or more presences (as stated in col.18, lines 15-20, col. 14, lines 20-24, col. 37, lines 6-11, col 37, lines 32-35 and col. 28, lines 39-41, FIG. 4 is a detailed flowchart of *pattern matching*. FIG. 7 provides more detail on creating the *query*. Processing commences at function block 710 where invokes GoBF which is responsible for *logical processing* associated with wrapping the correct search *query information* for the particular

target, *record* is parsed to obtain potential match based on *location* and time. Depending on type of placeholder, we have specific requirements and different *binding criteria (matching condition)*, specified in the functions *BindName*, *BindTime*, *BindCompanyLocTopic*. If binding is successful we *add* it to our *record*, by associating a value with a placeholder, a *decision* is made on what material to transmit to the file for ultimate consumption by the *user*).

As to Claims 4 and 10, Gershman teaches active knowledge management system consisting, information delivery system and presence management apparatus according to claims 1 and 8,

wherein, for use when it is decided that the first user's presence matches the matching condition designated by the second user, the matching decision means of the presence management apparatus comprises matching candidate storage means for storing therein an identifier of the first user and an identifier of the second user as one of matching candidates and (as stated in col. 41, lines 51-55, *user table* 1310 contains a record for each user who has an account in the system. This table contains a *unique identifier* of the user and one *central storage* place for a person's profile. The profile gateway server 1720 receives all requests for *profile information*, from other system users or merchants trying to provide a *service to the user* based on the *location* of the *user*.

wherein, if it is decided that the second user's presence matches the matching condition designated by the first user, the matching decision means of the presence

management apparatus searches the matching candidates, stored in the matching candidate storage means, to decide if the first user's presence already matches the matching condition designated by the second user (as stated in preceding paragraphs and col 41, lines 51-55, col. 43, lines 22-48, FIG. 16 describes the *algorithm* for determining the personalized product ratings for a user. When the user requests a product report 1610 for product X, the algorithm *retrieves the profiles* 1620 from the profile *database* 1630 (which includes product ratings) of those *users* who have previously rated that product).

As to Claims 5-6 and 11-12, Gershman teaches active knowledge management system consisting, information delivery system and presence management apparatus according to claims 4 and 10,

wherein, if it is decided that the first user's presence does not match the matching condition designated by the second user, the matching decision means of the presence management apparatus registers the identifier of the first user and the identifier of the second user as a matching candidate (as stated in col. 41, lines 51-55, col. 43, lines 22-48, system *retrieves* the *default thresholds* 1640 for the *profile matching* algorithm from the content *database* 1650)

if it is decided that the first user's presence matches the matching condition designated by the second user, the matching decision means of the presence management apparatus decides that the both matching conditions are satisfied (as stated in preceding paragraphs and col 41, lines 51-55, col. 43, lines 22-48, system

retrieves the *default thresholds* 1640 for the *profile matching* algorithm from the content *database* 1650. It then *maps* all of the short list of users along *several dimensions* specified in the *profile-matching algorithm* 1660. The top n, nearest neighbors is then determined and a test is performed to decide if they are within distance y of the user's profile in the set 1670 using the results from the profile-matching algorithm. If they are *not within* the *threshold*, then the threshold variables are *relaxed* 1680, and the test is run again. This processing is repeated until the test returns true. The product ratings from the smaller set of n nearest neighbors are then used to determine a number of product statistics 1690 along several dimensions. Those *statistics* are *inserted* into a product report template 1695 and *returned* to the *user* 1697 as a product report).

As to Claims 7 and 13, Gershman teaches active knowledge management system consisting, information delivery system and presence management apparatus according to claims 4 and 10,

wherein, for the first user and the second user whose identifiers are stored as the matching candidates, the matching decision means of the presence management apparatus decides if the first user's presence matches the matching condition designated by the second user and, if it is decided that they do not match, deletes the identifier of the first user and the identifier of the second user from the matching candidate storage means (as stated in col.47, lines 42-51, col. 48 lines15-32, Intelligent Agent Coordinator 2580 of FIG. 25 is also the user's interface to the

system. Intelligent Agent Coordinator performs primary responsibilities of monitoring user activities, handling *information requests*, maintaining each *user's profile*, and routing information to and from users and to and from the other respective agents. In order to protect the data contained in the profiles, the Intelligent Agent Coordinator must handle *all user information* requests and *constantly modifying* and *updating* these *profiles* by watching the *user's activities* and attempting to learn the patterns of their lives in order to assist in the more routine, mundane tasks. Intelligent Agent Coordinator's observations are that it also tries to *determine* where each user is physically *located* throughout the day for routing purposes).

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Publication No. 20050091118 to Fano et al., US Patent No. 6317718 to Fano et al., and US Patent No. 63199099, to Gershman et al., US Patent No. 6356905 to Gershman et al. are cited for reference but not taken into consideration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muktesh G. Gupta whose telephone number is 571-270-5011. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi T. Arani can be reached on 571-272-3787. The fax phone number
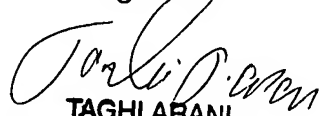
for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Muktesh G. Gupta   Dr. Taghi Arani

TAGHI ARANI
PRIMARY EXAMINER

10/25/07